

January 3, 1995

REPORT TO THE COMMITTEE
ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES

OFFICE USE OF VOLUNTEERS

At the last Public Safety and Neighborhood Services Committee meeting a question was raised about our office's use of volunteers: What volunteer attorneys and law students are we using as prosecutors or Code Enforcement staff?

It is customary for the Criminal Division to have volunteer attorneys and law students. The experience of getting to court is highly sought after and attorneys and law students regularly volunteer to try cases for us. Because trial work is a relatively small part of our practice, we select only those who are willing to volunteer to do the high volume of paperwork as well as the courtroom work. The number of volunteers we have at any one time varies. Right now we have one volunteer attorney in the Criminal Division. As recently as a few months ago we had three. Volunteer attorneys are chosen from many who submit resumes to us. Typically, volunteers work part-time, from 20 to 30 hours per week, for a few months. If they are not eventually hired by us, and most are not, they move on to a paying position somewhere else.

Volunteer law students follow the well-worn paths from the local law schools. Each academic term we review resumes and select law students who are certified by the state bar to make court appearances. Our special units, including Code Enforcement, choose their own law students. Other than law students, we do not regularly have volunteer staff in the Code Enforcement Unit.

When choosing volunteers, we select only those who meet our high standards. Besides examining the credentials of prospective volunteers, we also examine whether their practice of law outside the City creates a conflict of interest or the appearance of a conflict. Since our attorneys review scores of cases each day, the potential for conflict is overwhelming, particularly for criminal defense attorneys. A conflict is created when a volunteer handles any part of the prosecution of a case involving any former or current client. So, we do not allow attorneys who

represent criminal defendants to prosecute cases for us. Furthermore, we examine whether prospective volunteers have any civil cases against the City or other cases that might appear to set up a conflict of interest.

Our volunteers do not act as full-fledged deputy city attorneys. Unlike deputies, who get several weeks of formal training, volunteers are given on-the-job training. Because we do not have the resources to run our training program each time an attorney or law student volunteers, they are necessarily limited in what they can do. For example, generally they are not prepared to do jury trials. We limit their courtroom work to less complex matters such as motion hearings (for example, opposing motions to suppress evidence). A major part of their time is spent on legal research and writing. In the sphere in which they work, they are very productive and helpful. But a volunteer does not equal a fully trained deputy.

Respectfully submitted,
JOHN W. WITT
City Attorney

DCJ:mbo:011.7:(043.1)
RC-95-1